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Federal Communications Commission  
455 12<sup>th</sup> Street, N.W.  
Washington, D.C. 20005

Re: Comment on XM/Sirius merger **MB DOCKET NO. 07-57**

Dear Chairman Martin and FCC Members,

I strongly support the merger of XM and Sirius for the following reasons:

Satellite radio does compete against “free” terrestrial radio as well as other forms of audio entertainment. If this is not the case, then why is the NAB so against this merger? If XM and Sirius are not competitors, then why is the NAB going out of its way to oppose this merger so fiercely? Well over half of the comments posted opposing the merger is by the NAB. I don’t think EBay is concerned with what GM is doing. As far as free radio, there is no such thing. Terrestrial radio is paid for by advertising and Satellite radio is paid for by subscriptions. In the end, the consumer pays. The NAB argues the content provided by Satellite radio is unmatched by terrestrial radio. That’s inaccurate as there are hundreds and hundreds of radio stations throughout the US that delivers the same product as Satellite radio, audio entertainment. Whether that is talk shows, news, or the many different genre’s of music, its audio entertainment.

Secondly, the market has definitely changed since Satellite radio was first introduced and the future is limitless for audio entertainment. In my vehicle, I listen to AM/FM radio, CD’s, and Satellite radio all about the same amount of time. An IPOD could

be an option as well and the new Slacker service that is on the horizon as well as other WI-FI products. These medians for audio entertainment are all built into the same receiver unit and can be selected or changed with the push of a button. There's no time delay, no new service to order, or new or additional equipment to buy unlike if I switched from Cable to Satellite TV. It's all in one receiver because it's all audio entertainment in the same market. I point this out for two reasons:

1. The market definition should be changed to include other forms of audio entertainment as that is the "end product" the consumer seeks. Not the means or methods to deliver the "end product", but the end results or product to the consumer, audio entertainment. Satellite radio was initially suppose to compliment terrestrial radio and therefore the "no merger" clause was implemented by the FCC but it's obvious that Satellite radio has not been as successful as the FCC, XM, and Sirius originally thought it would we for a number of reasons. The "no merger" clause was also intended to allow for other providers to enter the market but because of the state of XM and Sirius financially and the associated cost required that has not happened either. Therefore, that restriction should be lifted.
2. You can't compare this merger to the Direct TV/Echo Star merger because of the easy access to other forms of audio entertainment readily available. In some rural area, Satellite TV is the only choice. This is not the case with audio entertainment as there are several options other than Satellite radio.

Third, The FCC and DOJ are supposed to act in the best interest of the consumer. The **consumer**, [www.petitiononline.com/satmerge/petition.html](http://www.petitiononline.com/satmerge/petition.html) (not the NAB) wants to see this merger happen. The ability to get the additional programming without having to choose between XM and Sirius and at better prices would benefit the consumer. There would not be a monopoly as the company has pledged price caps which protect the consumer. Why wouldn't the FCC and

DOJ approve the merger if the company has agreed to have its rates regulated? Most arguments against the merger are pricing power. Well Sirius and XM have agreed to let Regulators control current prices and future prices so that makes that argument null and void. Even if the prices were too high consumers would cancel there subscriptions and that would be bad for business for XM and Sirius. Quality of service would not diminish because Satellite radio competes with “free’ radio and other forms of audio entertainment, all competing for the same pool of listeners. Also, since inception, XM and Sirius have raised prices once, **Just Once**, which shows and establishes good faith with pricing of their service yet their programming content has almost doubled. Let the companies merge. If they are not allowed, one could very well go out of business and we end up with one company anyway, the stockholders left empty handed, and millions of dollars of research and development, innovation and technology useless in space. It’s not a **Necessity Commodity** like electrical power or telephone or gas, its audio entertainment. There are many ways the FCC and DOJ could protect the consumer and promote competition but blocking this merger simply not one of those ways and simply is not an option. Please allow XM and Sirius to merge and allow the consumer to have a better company with better choices, better programming and at better prices.

Respectfully,

Lindsey L. Graves